

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1607.00
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	August 18, 2000
DATE OF REPORT:	September 18, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 2, 2000

COMPLAINT ISSUES:

Whether the MSD of Pike Township and the West Central Joint Services violated:

511 IAC 7-15-1(b)(1) and (2) with regard to the school's alleged failure to suspend the student for no more than five consecutive instructional days or for no more than ten cumulative instructional days in a school year.

511 IAC 7-15-2(h) with regard to the school's alleged failure to convene a CCC meeting, prior to expelling a student with a disability, to determine whether a causal relationship existed between the student's misconduct and the student's disability.

The Complaint Investigation Report was originally due on September 15, 2000, however, due to the need to obtain additional information from the school an extension was approved by the state director of special education extending the deadline until September 29, 2000.

FINDINGS OF FACT:

1. The student attends the eighth grade and has been determined eligible for special education due to a communication disorder.
2. According to attendance records, the student was suspended from school for nineteen instructional days during the 1999-2000 school year. One of the suspensions involved the student's removal from school for ten consecutive instructional days. The Notice of Request for Expulsion and Suspension form reflects the student was only receiving general education instruction, although a CCC had already determined the student eligible for special education. The student returned to school at the beginning of the second semester of the 1999-2000 school year.
3. In a written response dated August 25, 2000, the director acknowledges that the student was expelled from school without convening a CCC meeting to determine whether a causal relationship existed between the student's behavior and the student's disability.

CONCLUSIONS:

1. Finding of Fact #2 indicates the school suspended the student for more than five consecutive instructional days and for more than ten cumulative instructional days in a school year. Therefore, a violation of 511 IAC 7-15-1(b)(1) and (2) is found.

2. Finding of Fact #3 reflects that the school failed to convene a CCC meeting to determine whether a causal relationship existed between the student's behavior and the student's disability prior to expelling the student from school. Therefore, a violation of 511 IAC 7-15-2(h) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Pike Township and the West Central Joint Services shall:

1. In-service all appropriate personnel as to the requirements specified in 511 IAC 7-29-1, 511 IAC 7-29-2, and 511 IAC 7-29-6. Submit documentation to the Division that the in-service training has been completed no later than October 25, 2000. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.
2. Develop a written procedure that ensures the individual(s) responsible for initiating suspensions and expulsions checks to determine if the student is receiving special education or has been referred for an educational evaluation prior to initiating such an action. The procedure shall be disseminated to all appropriate school personnel, and a copy of the procedure shall be submitted to the Division no later than October 25, 2000.
3. Convene a CCC meeting to determine the need for compensatory educational services. Submit a copy of the CCC Summary Report and any revised IEP to the Division no later than October 25, 2000.